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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,533	10/10/2003	Yuki Kanno	086142-0587	9724

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

TO, TOAN C

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,533

Applicant(s)

KANNO ET AL.

Examiner

Toan C. To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

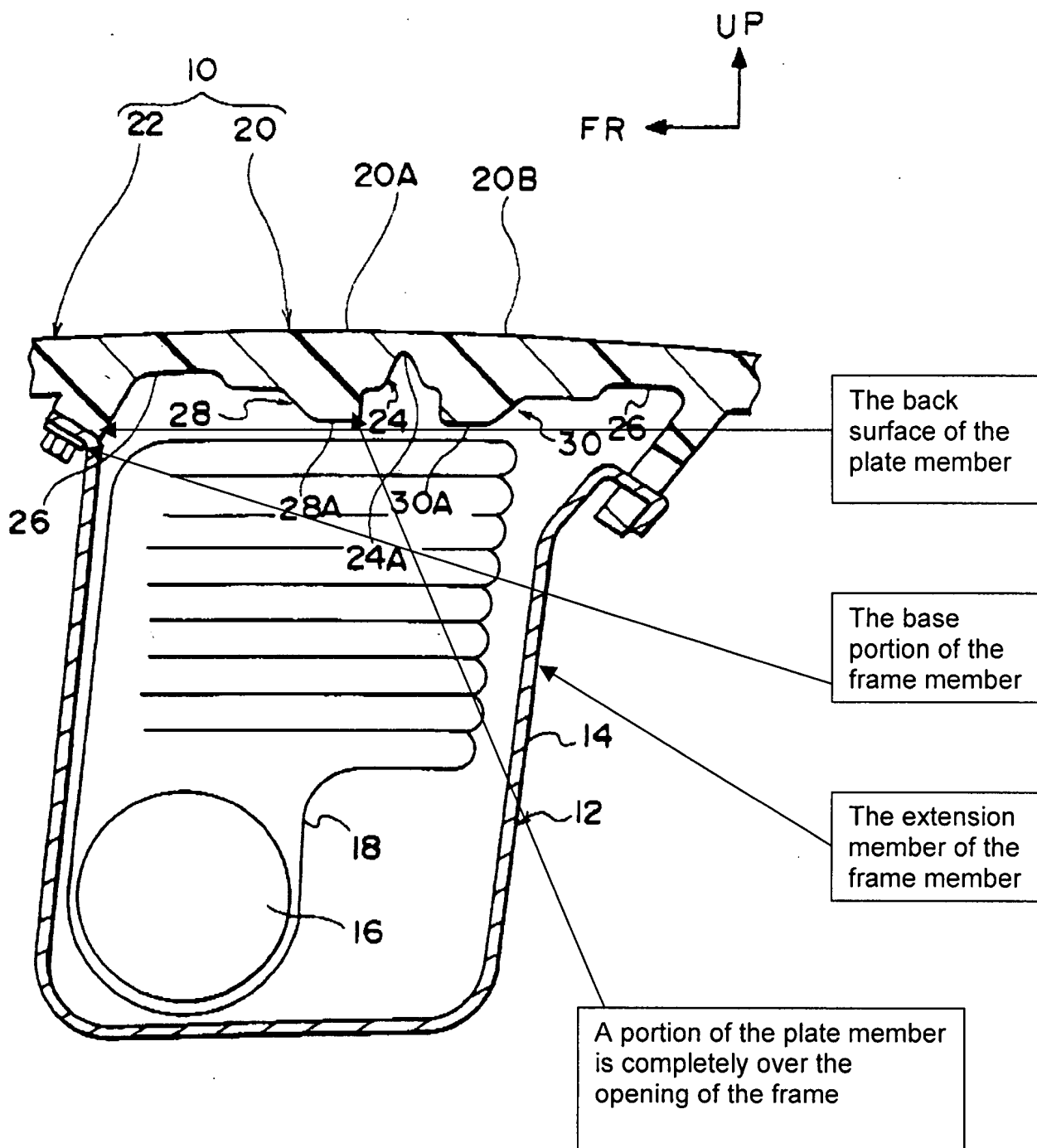
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-8, 11-12, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (U.S 6,612,607).

Takahashi discloses a cover for an airbag module comprising: a plate member (20) having a top surface to be exposed to a vehicle cabin and a back surface, wherein the plate member (20) is configured to be mated with an instrument panel (10); and a frame member (14) extending from and directly abutting the back surface of the plate member; wherein the plate member (20) and the frame member (14) are configured to be formed separately and joined after formation; wherein the frame member includes an opening for the airbag (18) such that the frame member (14) does not deform when the airbag is being deployed; and wherein a portion of the plate member (20) is completely over the opening of the frame member (14) such that the portion of the back surface over the opening is completely exposed to the airbag (18); the plate member (20) is a thermoplastic elastomer (see back ground of the invention); wherein the frame member

includes a base portion and an extension member, and the base portion is jointed with the back surface of the plate member (see attached figure 1 below).



With respect to claims 11-12, Takahashi discloses a cover for an airbag module, wherein the extension member extends in a direction away from the back surface of the plate member (20); wherein the base portion extends from the extension member in a direction away from a center portion of the plate member (20) and in a direction toward an edge portion of the plate member (see above figure).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 9-10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Desprez (U.S. 6,595,543).

With respect to claims 2-3, Takahashi discloses every elements of the invention as discussed above except that the plate member is a thermoplastic elastomer (see column 2, lines 60-65) and the frame member is formed of thermoplastic synthesisic resin.

Desprez teaches the invention wherein the plate member (4) is a thermoplastic elastomer (see column 2, lines 60-65) and the frame member (6) is formed of thermoplastic synthesisic resin (see column 3, lines 7-11). It would have been obvious design choice for one having ordinary skill in the art at the time the invention was made to make the plate member and the frame member of Takahashi by the material as

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taught by Desprez since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In this case using teaching of Desprez to modify the plate member and the frame member of Takahashi to ensure proper performance of the airbag module in order to protect occupant.

With respect to claims 4-5 and 9-10, Takahashi further discloses the frame member includes a base portion, and an extension member but fails to disclose that a vibration weld bond between the base portion and the back surface of the plate member.

With respect to claims 4-5 and 9-10, Desprez teaches a cover for an airbag module, wherein a vibration weld bond (36, see column 3, line 67) between the base portion (22) and the back surface of the plate member (4) and the frame member (6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the joint between the plate member and frame member of Takahashi by using teaching of Desprez in order to ensure performance of the airbag module upon collision.

With respect to claims 13-15, Takahashi discloses every elements of the invention as discussed above except that the plate member includes a projection formed on the back surface; wherein the base portion includes an aperture; and wherein the aperture is configured to accept the projection; wherein the projection is received in the aperture; wherein an engagement between the projection and the aperture is undetachable.

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With respect to claims 13-15, Desprez teaches a cover for an airbag module, wherein the plate member (4) includes a projection (20) formed on the back surface; wherein the base portion (22) includes an aperture (34); and wherein the aperture (34) is configured to accept the projection (20); wherein the projection (20) is received in the aperture (34); wherein an engagement between the projection (20) and the aperture (34) is undetachable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment joint between the plate member and the base portion of Takahashi by using the teaching of Desprez in order to alternatively provide different attachment joint between the plate member and the frame member for ensuring proper performance of the airbag.

5. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Suzuki et al (U.S. 6,601,870).

Takahashi discloses every elements of the invention as discussed above except that the plate member includes a projection formed on the back surface; wherein the base portion includes an aperture; and wherein the aperture is configured to accept the projection; wherein the projection is received in the aperture; wherein an engagement between the projection and the aperture is undetachable; wherein an end of the projection includes a keeper member, wherein the keeper member is configured to enlarge an end of the projection so that the projection remains engaged with the aperture; wherein the keeper member comprises caulking.

Suzuki et al teaches a cover for an airbag module, wherein the plate member (12) includes a projection (17) formed on the back surface; wherein the base portion

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(29) includes an aperture (35); and wherein the aperture (35) is configured to accept the projection (17); wherein the projection (17) is received in the aperture (35); wherein an engagement between the projection (17) and the aperture (35) is undetachable; wherein an end of the projection (17) includes a keeper member, wherein the keeper member is configured to enlarge (see figures 5A-5B) an end of the projection so that the projection remains engaged with the aperture (35); wherein the keeper member comprises caulking (see column 7, line 67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment joint between the plate member and the base portion of Takahashi by using the teaching of Suzuki et al in order to alternatively provide different attachment joint between the plate member and the frame member for ensuring proper performance of the airbag.

6. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Hagen et al (U.S. 5,651,562).

Takahashi fails to teach a cover for an airbag module, wherein the plate member includes a projection formed on the back surface; wherein the base portion includes an aperture; and wherein the aperture is configured to accept the projection; wherein the projection is received in the aperture; a retaining member, wherein the retaining member is attached to an end of the projection so that the projection remains engaged with the opening; wherein the retaining member comprises a clip.

Hagen et al teaches a cover for an airbag module, wherein the plate member (62) includes a projection (150) formed on the back surface; wherein the base portion

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(28) includes an aperture (30); and wherein the aperture (30) is configured to accept the projection (150); wherein the projection (150) is received in the aperture (30); a retaining member (176), wherein the retaining member is attached to an end of the projection (150) so that the projection remains engaged with the opening; wherein the retaining member comprises a clip (176). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment joint between the plate member and the base portion of Preisler et al by using the teaching of Hagen et al in order to alternatively provide different attachment joint between the plate member and the frame member for ensuring proper performance of the airbag.

Response to Arguments

7. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
May 26, 2007

 5/29/07
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600